



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1392

state hospital; placement; court-ordered treatment

Purpose

Allows the medical director of the local mental health treatment agency assigned to supervise and administer a patient's treatment program to file a motion requesting the court to amend the treatment order to place the patient at the Arizona State Hospital (ASH).

Background

A court-ordered treatment patient, if not admitted to ASH for hospitalization at the time of the order, must undergo treatment for at least 25 days in a local mental health treatment agency geographically convenient for the patient before being admitted to ASH. The treatment requirement does not apply if the court finds at a court-ordered treatment hearing that: 1) the patient's present condition and history demonstrate that the patient will not benefit from the required period of treatment in a local mental health treatment agency or that ASH provides a program which is specific to the needs of the patient and is unavailable in the local mental health treatment agency; or 2) there is no local mental health treatment agency readily available for treatment. The finding must be based on the appropriate written reports from the medical director of the local mental health treatment agency and the annual written description of available ASH programs and services. The patient may be immediately hospitalized at ASH whenever the court determines that the treatment requirement does not apply.

A court-ordered patient required to undergo treatment based on the determination of a persistent or acute disability must be treated for at least 25 days solely in or by a local mental health treatment agency, unless the patient is accepted by the ASH Superintendent for treatment at ASH ([A.R.S. § 36-541](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows, during any period of court-ordered treatment, the medical director of the local mental health treatment agency assigned to supervise and administer the patient's treatment program to file a motion requesting the court to amend the treatment order to place the patient at ASH.
2. Removes the requirement that a patient ordered to undergo treatment for a persistent or acute disability first be treated for at least 25 days in or by a local mental health treatment agency.

3. Allows the court to amend the original treatment order to authorize the patient's placement at ASH if, after a hearing, the court finds that:
 - a) the patient's present condition and history demonstrate that the patient will not benefit from a continued period of treatment in or by a local mental health treatment agency; or
 - b) ASH provides a program that is specific to the needs of the patient and is unavailable in a local mental health treatment agency, that ASH is the least restrictive placement to meet the needs of the patient for the foreseeable future and that there is a legally available funded bed.
4. Requires the ASH Superintendent, within five days after receiving court notice, to notify the court whether an ASH bed is available.
5. Makes technical and conforming changes.
6. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Allows the court to amend an original treatment order and admit a patient to ASH only if there is an available funded bed.

Amendments Adopted by Committee of the Whole

- Clarifies an available funded bed must be legally available and funded for the court to amend the original treatment order.

Amendments Adopted by the House of Representatives

- Requires the ASH Superintendent, within five days after receiving court notice, to notify the court whether an ASH bed is available.

Senate Action

HHS	2/21/22	DPA	4-3-1
3 rd Read	3/2/22		16-11-3

House Action

JUD	2/23/22	DPA	10-0-0-0
3 rd Read	6/6/22		49-0-11

Prepared by Senate Research

June 6, 2022

MM/MC/sr